

THE MAKING OF INTERNATIONAL LAWYERS: WINNICOTT'S TRANSITIONAL OBJECTS

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In this chapter, I examine the psychoanalyst Donald Winnicott's concept of the transitional object and suggest that it offers a way of enriching our discipline and the inner lives of international law scholars. Reading Winnicott alongside Eve Sedgwick's work on paranoid reading, I suggest we have become reality-bound in a way that seeks to suppress imagination and creativity. Transitional objects open up a space between fantasy and reality – one in which fantasies can be shared in a contained space where ideals can take flight without claiming to represent reality.

Here, I outline Winnicott's concept of the transitional object, before moving on to discuss how a hermeneutic of suspicion¹ has arisen from the either/or structure of international law scholarship. I focus, like Winnicott, on the formative years and suggest how we can adjust our teaching practices to provide a congenial milieu for playing in which we cultivate the capacity to have creative and cultural experiences. In the final part, I explore how many of the objects collected in the present volume – and others like them – might be treated as transitional and how, thereby, this book could be thought of as a well-stocked pantry to provide sustenance for the discipline.

If 'international law is what international lawyers do and how they think',² then the inner lives of the people who become international lawyers matter. This chapter not only calls for us to be aware of our inner lives, it actively counsels us to nurture them as part of an affirming culture geared to disciplinary self-care.

1 Transitional Objects and Winnicott

The work of paediatrician and psychoanalyst Donald Winnicott³ suggests that objects – particularly material objects – can open up a space within the discipline in which creative and cultural experiences can have reparative and nourishing effect, sustaining us in the face of repeated disappointments. When treated in a certain way, objects open a transitional space between one's inner world of fantasy and the outer world of reality, enabling us to weave elements from our inner lives into reality. In creative and cultural spaces, it is not mad to offer a 'sample of [our] internal world'⁴ to others because, unlike the autocrat or the psychotic, we do not expect them to accept it as reality.

* Thanks are due to the editors for extremely helpful suggestions, Matt Craven, Maks Del Mar, Ioannis Kalpouzos, Amanda Perry-Kessaris, Ben Poore and Gerry Simpson for reading earlier drafts, and to all the participants at the London Workshop in March 2016 for changing the way I think about international law.

¹ Paul Ricoeur, *Freud and Philosophy: An Essay on Interpretation* (Yale University Press 1970) 32-36

² Martti Koskeniemi, 'Between Commitment and Cynicism: Outline for a Theory of International Law as Practice' in *Collection of Essays by Legal Advisers of States, Legal Adviser of International Organizations and Practitioners in the Field of International Law* (United Nations 1999) 523

³ For other discussions of Winnicott in law, see Desmond Manderson, 'The Metastases of Myth: Legal Images as Transitional Phenomena' (2015) 26(3) *Law and Critique* 207–223; Kirsten Campbell, 'The Laws of Memory: The ICTY, the Archive and Transitional Justice' (2012) 22(2) *Social & Legal Studies* 247–269

⁴ Adam Phillips, *Winnicott* (Harvard University Press 1989) 15

Creative and cultural experiences keep possibility alive because they are not reality-bound. In Winnicott's work, they are characterised by surprise. In this sense, the transitional space of critical and cultural experiences is a sort of sandbox, and sharing ideals, ideas, hopes and fears with others is a form of playing where imagination need not be hemmed in by the realistic or probable, or by the drive to serve some external purpose. Making space for these experiences and activities within the discipline serves a purpose, to be sure, but the purpose is inward-looking and affective: the recuperation of the discipline. If Winnicott is right in saying that creative and cultural experiences make life worth living,⁵ then they promise to enrich our lives as international lawyers, too.

1.1 Winnicott 101

According to Winnicott, transitional objects⁶ mediate between a baby's and its parents' perspectives. A baby experiences omnipotence in its internal world and, at first, its parents do not challenge this experience.⁷ For instance, they feed the baby when it cries so that, from the baby's perspective, food appears as if by magic whenever it is hungry.⁸ The baby, who does not yet appreciate itself as a person in a world of other people and things, feels as though it has conjured the breast or bottle into existence.

Transitional objects – a comfort blanket or favourite teddy, perhaps – enable parents to interact with an object the child feels it has created. The object is transitional because it has come from the child and although it is still outside, the child is able to exercise control over it as though it were still in the magical realm of internal omnipotence. The parents support the '*illusion* that there is an external reality that corresponds to the infant's own capacity to create',⁹ by playing along – not washing a grubby comfort blanket or having a conversation with Teddy.¹⁰ The point is to confirm the child's experience or, at least, not to impinge upon it, so that the object appears reliable because it seems to be within the child's power.

Of course, the child must eventually be disillusioned of its omnipotence if it is to live in the external world. The trick is to let this happen gently. A gradual process – a transition, rather than a moment of revelation – is needed because the transitional object is not only a bridge between internal fantasy and external fact, it is also the means through which the baby reveals itself to itself as a person in the world. The 'first not-me possession',¹¹ when a baby understands itself as interacting with an object outside itself, is also the moment at which the baby understands that it, too, is an object in the world. This is a terrible shock and if the revelation comes too brutally, the child suffers trauma: 'a break in life's continuity'.¹² The result is that the infant cannot tolerate frustration or disappointment because each instance confirms with desperate certainty that it has no control over the world.

⁵ Donald W. Winnicott, *Playing and Reality* (Routledge 2005) 87

⁶ The features of transitional objects are listed in Winnicott (n 5) 7

⁷ *ibid* 146

⁸ *ibid* 55

⁹ *ibid* 12

¹⁰ *ibid* 12

¹¹ *ibid* 107-108

¹² *ibid* 131

A 'good enough parent' manages the disillusionment process gently. They do this by gradually accustoming the child to 'minor failures' of its expectations – things that disconfirm its omnipotence and reveal the unreliability of objects in the world. Transitional objects thus enable parents to achieve a 'steady presentation of the world'¹³ which gives the baby 'continuity of experience'. The baby does not, therefore, experience failures as existential crises and is free to allow itself to be reillusioned because it does not take disillusionment as a terrifying prospect.

The capacity to be reillusioned manifests itself in the act of playing. Winnicott explained that playing takes place in the external world the child shares with others, but one that is not 'outside magical control'.¹⁴ It occurs in the same sort of transitional space between the inner world of fantasy and the outer world of reality in which transitional objects exist. In playing 'the child puts out a sample of dream potential and lives with this sample in a chosen setting of fragments from external reality',¹⁵ but without claiming that it accords to external reality.¹⁶ The capacity to creatively mix fantasy and reality, and the tolerant 'congenial milieu' that makes such openness possible, are important parts of what Winnicott called 'the maturational process'. The transitional space we learn to inhabit comes back later in life as the place in which we have creative and cultural experiences, which Winnicott understood as involving the same sort of claim-free sharing of 'samples of dream potential' as playing.

2 'The Zeus of Critique rules absolutely... but over a desert'.

Standing between our discipline and a creative and cultural life¹⁷ is our habit of treating the real and the ideal as alternative positions that can never be inhabited simultaneously.¹⁸ The seminal exposition of this is Martti Koskenniemi's demonstration that liberal international legal argumentation oscillates between Utopia and Apologia.¹⁹ As we shall see, dominant modes of canonical and critical international law alike adopt an either/or approach that pitches the phenomenal against the noumenal and the concrete against the abstract, always preferring the former but unable to expunge the latter without leaving a gap.

In this section, I think about the effect of the either/or structure on the discipline of international law and the academics who work within it. Focusing on our lives in this way, I express the bifurcated structure in terms of the spaces it allows us to occupy when we are doing scholarly international law.

2.1 Delusion and Neurosis

¹³ Donald W. Winnicott, 'From Dependence Towards Independence in the Development of the Individual' in D.W. Winnicott (ed.), *The Maturational Processes and the Facilitating Environment* (Karnac Books 1990) 87

¹⁴ Winnicott (n 5) 55

¹⁵ *ibid* 69

¹⁶ See text from n 99 to n 123; *ibid* 3. In his practice, Winnicott used the 'squiggle game' to achieve this. He would squiggle on a page and ask the child to complete the picture.

¹⁷ I mean disciplinary life in the academy; our personal lives, I am sure, are rich with creative and cultural experiences.

¹⁸ The quotation in the section heading is from Bruno Latour, 'Why Has Critique Run Out of Steam?' (2004) 30 *Critical Inquiry* 225-248, 239

¹⁹ Martti Koskenniemi, *From Apology to Utopia: The Structure of International Legal Argument* 2nd ed. (CUP 2005)

In a discipline bifurcated by an either/or approach to is/ought, fact/norm, real/ideal, academic international lawyers must take a stand on *either* the side of the real, *or* the side of the ideal. These realms correspond to two positions; the delusional and the neurotic. Delusion and neurosis are 'changing and heterogeneous relational stances' rather than diagnoses, still less name-calling.²⁰ However, the stances are impossible to maintain. Each is deficient because it is extreme. Neurotics are obsessed by fact, while the deluded flood the world with fantasy. There is always something missing: Delusion is 'the isolation and madness of excessive subjectivity' and neurosis 'the impoverishment and anonymous futility of objectivity'.²¹ On a simple reading, then, the delusional position begets the sort of utopianism characteristic of those who idealise international law, while the neurotic position results in various traditions of realism, including apologia and critique. The picture, as we shall see, is not quite so simple. In steadfastly committing to one or the other – fantasy or fact – the excluded element creeps back inside, an uninvited guest.

2.1.1 Delusional Position

Idealism is out of fashion in international law. Fewer and fewer international lawyers inhabit the delusional position - understandably given our disciplinary narratives about the defeat of natural law by positivism and the danger of policy-led lawyering. Not that, as we well know, the move to analytical positivism saved international law from the accusation of delusion. The founding father of international relations, Hans Morgenthau, made just this criticism of legal positivism. Reacting against 'the delusive splendour' of international law,²² he accused its scholars of an 'inveterate tendency to stick to their assumptions and to suffer constant defeat from experience rather than to change their assumptions in the light of contradicting fact'.²³ For realists, however much black ink and hot air positivism expended, it cannot change an unwilling state's behaviour. To suggest otherwise seemed to realists like magical thinking. Morgenthau certainly thought so, suggesting that international lawyers are 'not unlike the sorcerers of primitive ages, they attempt to exorcise social evils by the indefatigable repetition of magic formulae'.²⁴

Even the most clear-eyed international lawyers can seem out of touch with reality. We often talk as if the vicissitudes of the external world, which is, of course, 'outside magical control',²⁵ were anomalous aberrations, temporary imperfections or contingent failings. In so doing, we shield our inner ideal of international law from corruption and sustain our ideals about what international law *is* even though it *appears* to be violent and even undesirable. We point to the self-interested nature of the drafters of the legal rules, to the patchy institutionalisation of the legal system, to the difficulty of telling violation from adaptation in legal interpretation. Sometimes, often when we most want legal rules to have real effect - as in the question of the legality of the Iraq War, for instance²⁶ - we stretch others'

²⁰ Eve Kosofsky Sedgwick, 'Paranoid Reading and Reparative Reading, or, You're so paranoid, you probably think this essay is about you' in Eve Kosofsky Sedgwick, *Touching, Feeling* (Duke University Press 2003) 128

²¹ Phillips (n 4) 122

²² Morgenthau, 'Positivism, Functionalism and International Law' (1940) 34(2) AJIL 260-284, 265

²³ *ibid* 260

²⁴ *ibid* 260

²⁵ Winnicott (n 5) 55

²⁶ Craven *et al*, 'We are teachers of International Law' (2004) 17(2) LJIL 363-374

credulity to breaking point, expecting ‘them to acknowledge the sharing of illusion that is not their own’.²⁷ This is the definition of delusion in the psychoanalytic sense.

2.1.2 Neurotic position

Nowadays, on the whole, international lawyers are more comfortable in the neurotic than the delusional position. We want facts. Beyond good old-fashioned realism, the turns to history, sociology, anthropology and economics, are movements in search of objectivity.²⁸

International lawyers inhabit a post-ontological era²⁹ in which natural law has been brought down to earth by the sociological methods of constructivism and doctrinal law is increasingly technical and administrative. If the delusional live in their heads, neurotics have closed off their inner lives and are ‘out of touch with the subjective world and with the creative approach to fact’.³⁰ This can lead to feelings of anxiety and futility because, ‘estranged from dream’,³¹ they have no resources to sustain them when they experience the failure of the world to reflect their expectations. From this position, the world appears radically unreliable until strategies are deployed to render it predictable and manageable.

2.1.3 Paranoia

In psychoanalysis, as in any other discourse, oppositions and binaries are often much less clear-cut than they first seem. So it is with the distinction between delusion and neurosis. Freud explained that both are ‘the expression of a rebellion on the part of the id against the external world, of its unwillingness – or, if one prefers, its incapacity - to adapt itself to the exigencies of reality’.³² One of the ways internal fantasies insinuate themselves into the doggedly realist neurotic position is in the form of paranoia. As Sedgwick describes, paranoia hates surprises.³³ It wants to make reality reliable at all costs and, therefore, exercises a hypervigilance set on exposing and anticipating falsehood and violence. However, the internal world of fantasy enters the frame through the ‘future-oriented vigilance of paranoia’. Sedgwick explains:

because there must be no bad surprises, and because the learning of the possibility of a bad surprise would itself constitute as bad surprise, paranoia requires that bad news be always already known.³⁴

²⁷ Winnicott (n 5) 4

²⁸ Much of my own work has been written from this neurotic position. My PhD thesis sought the reality of the rules in the use of force in UN Security Council debates, steadfastly avoiding the reality of War on Terror that was unfolding elsewhere.

²⁹ Thomas M. Franck, *Fairness in International Law and Institutions* (OUP 1995) 6

³⁰ Winnicott (n 5) 89

³¹ Winnicott (n 5) 90

³² Sigmund Freud, ‘The Loss of Reality in Neurosis and Psychosis’ in James Strachey (ed.) *The Standard Edition of the Complete Psychological Works of Sigmund Freud, Vol. XIX (1923-1925): The Ego and the Id and Other Works* (Vintage 2001) 185

³³ Sedgwick (n 20) 130

³⁴ *ibid* 130

Paranoia has become ‘less a diagnosis than a prescription’ in the threads of critical scholarship – including, of course, that of Sigmund Freud – one of those bundled by Ricoeur into the hermeneutics of suspicion.³⁵ In this mode, violence ‘must always be *presumed* or *self-assumed* – even, where necessary, imposed – simply on the ground that it can never be finally *ruled out*’.³⁶ Sedgwick’s observations are applicable to certain strands of critical international law scholarship.

For some critical international lawyers, the usual neurotic strategies for repairing the failures of international law are not enough. Perhaps because this group is so invested in the project of international law, fatalistic acceptance of its inadequacy is not an option. Instead of being seen as exceptional or contingent, international law’s failures become the only thing that is real about it. Occasional, minor failures are frustrating – but an image of international law as a layered series of repeated, major failures is annihilating.

This is because there is a time-limit to frustration.³⁷ If the world proves unreliable for too long, trauma ensues because ‘the only real thing is the gap’.³⁸ In this state, the object of study is not merely impoverished, it is annihilated.³⁹ Not a shred of hope remains⁴⁰ – international law is not contingently ineffective, it is congenitally corrupt. Scholarship adopting this position conforms to Sedgwick’s observation that the hermeneutics of suspicion have become ‘a mandatory injunction rather than a possibility among other possibilities’.⁴¹ Without hope for something better, the only sensible approach to international law is by assiduously exposing its failures and preventing the naïve and the disingenuous alike from treating it as anything other than violent.⁴² Like Sedgwick, I do not suggest that such critical projects be abandoned, just that we make room for other sorts of project, too. The trouble comes when critical scholarship denies the reparative fantasy, only to substitute a paranoid fantasy that sees more devils than vast hell can hold.⁴³

Whatever its register, fantasy cannot be expurgated. The only question is the form that fantasy takes. We can use fantasy in a more conscious way when it enters in the form of creativity and culture. The trouble is that such activity is distrusted by paranoid scholarship and dismissed as useless by more mainstream approaches. Yet creative and cultural life is inwardly restorative. It provides sustaining emotional nutrition to an otherwise beleaguered discipline that suffers the pain of constant real-world failure and that is otherwise deprived of the pleasure of wishing things were otherwise. At the same time, it unsettles disciplinary complacency, allowing us to be horrified and shaken. Creativity and culture incorporates internal fantasizing into academic work in an open way. It fills the gap in our (mostly) reality-bound scholarship by weaving fantasy into reality without succumbing to delusion.

³⁵ *ibid* 125

³⁶ *ibid* 133 *italics in the original*

³⁷ Winnicott (n 5) 14

³⁸ Phillips (n 4) 2

³⁹ Winnicott (n 5) 125

⁴⁰ Andreas Paulus, ‘international law after postmodernism: Towards renewal or decline in international law?’ (2001) 14 *LJIL* 727-755, 734-735

⁴¹ Sedgwick (n 20) 125

⁴² Outi Korhonen, ‘New International Law: Silence, Defence or Deliverance’ (1996) 7 *EJIL* 1-18, 17

⁴³ Theseus’ speech in *A Midsummer Night’s Dream* ends with the couplet, ‘Or in the night, imagining some fear, / How easy is a bush supposed a bear!’, 5.1, 22-23

2.2 'We are poor indeed if we are only sane'

The paranoid hermeneutics of suspicion flows from international lawyers' rigid either/or approach to the internal space of fantasy and the external space of reality.⁴⁴ An intense realism that tries to be super-humanly clear-eyed, paranoia sees monsters and spectres everywhere. In Sedgwick's view, paranoia is not inevitable. We can 'glimpse the lineaments of other possibilities' if we position ourselves 'reparatively', allowing ourselves to open up to the potential fracturing trauma of hope.⁴⁵ She explains that the reparative impulse 'wants to assemble and confer plenitude on an object that will then have resources to offer an inchoate self'.⁴⁶ From this position, one can assemble or repair one's fractured objects – though '*not necessarily*', she emphasises, '*like any pre-existing whole*'.⁴⁷ I want to suggest that restorative resources that can enrich the lives of academic international lawyers and, thereby, sustain our object of study through countless failures, are to be found in cultural and creative experience and that this is enabled by attending to the material objects of international law.

2.2.1 Creative and Cultural Experience

Creative and cultural experiences, as understood by Winnicott, have a particular – if somewhat ambiguous – form. For Winnicott, 'it is creative apperception more than anything else that makes the individual feel that life is worth living'.⁴⁸ In international law the creative experiences I have in mind are less about future-casting, institutional design or novel interpretations, than a matter of surprise and spontaneity – a way of approaching an object of study, perhaps, so that it feels completely unfamiliar, or a way of writing that conveys meaning with style rather than substance.⁴⁹ Creativity brings a bit of our internal fantasy lives outside, and helps us escape the paranoid conviction that 'yesterday can't be allowed to have differed from today and tomorrow must be even more so'.⁵⁰ Cultural experience is closely related and I use the term to express the idea of doing international law scholarship for its own sake and not for some other, external, purpose.

Cultural and creative experiences offer a way in which international lawyers can refuse - as we cannot in paranoia, which is assiduously compliant - to comply with reality.⁵¹ They give us a space in which we can weave elements of our inner fantasies into our real lives and share these experiences with others. Material objects of the sort presented in this volume are both artefacts of the creative and cultural space and – in the form of transitional objects – keys to open it out in the first place.⁵² Used creatively, objects are conduits and containers that can bring fantasy into reality in a phenomenal way. Crucially, the creative and cultural experiences they enable are not delusional because they do not masquerade as reality. They do not impose themselves on others. They make no objective truth-

⁴⁴ The sub-heading title is Winnicott quoted in Phillips (n 4) 81

⁴⁵ Sedgwick (n 20) 146

⁴⁶ *ibid* 149

⁴⁷ *ibid* 128 *italics in the original*

⁴⁸ Winnicott (n 5) 87

⁴⁹ Gerry Simpson, 'The Sentimental Life of International Law' (2015) 3(1) *LRIL* 3-29

⁵⁰ Sedgwick (n 20) 147

⁵¹ Winnicott (n 5) 87

⁵² See text from n 6 to n 16

claim. Culture and creativity allow us to experience fantasy consciously – as a sort of ‘lucid self-delusion’.⁵³

If international law is *only* a practice of argument, it can seem as if there is no room for creative and cultural experiences as they make no truth-claims that can be accepted or rejected for good reasons. Intellectual histories aside, our disciplinary encampment in the neurotic position has also been entrenched by mundane institutional factors. Our post-metaphysical conceptual landscape has increasingly become one of management and bureaucracy. The emergence of Global Administrative Law reflects this, as does the ‘performance culture’ of academic institutions.⁵⁴ The drive for ‘impact’ and ‘key stakeholder’ engagement in a results-driven academic enterprise make it harder to do work if the research does not seem useful to those outside the discipline. Even paranoid writing can be leveraged for funding, as its concern with anticipation and exposure tally with the risk-oriented logic and surveillance techniques of contemporary management structures.

Creative and cultural experience is deeply suspect to management and paranoia alike. It is spontaneous not compliant, and its ethic of self-care resists appraisal on the basis of external effectiveness or risk. Winnicott’s aim was that we surprise ourselves, ‘to be spontaneous, not compliant or acquiescent’.⁵⁵ As we know from Sedgwick, surprise is anathema to paranoia. It is equally inimical to managerialism. Psychoanalyst Adam Phillips is clear; ‘surprise’, he said, ‘eludes the expectation made possible by a body of theory. It is a release from compliance.’⁵⁶ Cultural and creative experiences enrich the study of international law by bringing international lawyers’ lives into the discipline, emotional baggage and all. The messiness and variety of these lives is what makes it possible for international law to surpass the impossibility of the present because we are able to do and think law differently.

2.2.2 Managerialism

Managerialism is the child of functionalism. Functionalism, advocated by Morgenthau who – it will be recalled – thought positivist international lawyers ‘deluded’, is all about serving external purposes and getting results.⁵⁷ Managerialism shares these traits, but pursues its strategies using the tools of administration and accounting rather than guns and diplomacy.⁵⁸ This trend in international lawyering – academic and professional included – has been identified by a number of international lawyers, many of whom find it deeply problematic. Often this is because its fussy technicality is seen as

⁵³ Joshua Landy, *Philosophy as Fiction: Self, Deception and Knowledge* (OUP 2004), 49. Landy argues that Proust uses *À la recherche du temps perdu* as a ‘training ground for lucid self-delusion’, which it achieves through the narrator who is ‘an artist who wishes to offer himself as an exemplar of creativity’. Sedgwick, too, uses Proust’s narrator to think about a theory of ‘positive affect’ based in the ‘provision of pleasure’ and not the ‘anticipation of pain’ (Sedgwick (n 20) 137).

⁵⁴ Sara Ahmed, *On Being Included* (Duke University Press 2012), 83-112

⁵⁵ Winnicott (n 5) 68

⁵⁶ Phillips (n 4) 12

⁵⁷ Morgenthau (n 22) 273-284

⁵⁸ See e.g. Abraham Chayes and Antonia Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Harvard University Press 1998); Kal Raustiala, ‘Compliance & Effectiveness in International Regulatory Cooperation’ (2000) 32 Case W Res JIL 387-440; Andrew Guzman, ‘A Compliance-Based Theory of International Law’ (2002) 90(6) Cal LR 1823-1887

depoliticising international law. I want to put forward another, related, criticism; managerialism deprives international lawyers of a creative and cultural life because it, firstly, demands that their work always serves someone else's purposes and, secondly, that it casts international lawyers in the role of functionaries whose measurable performance is indifferent to their life experience.

As Anne Orford explains, managerialism is 'a practice that endorses a division between the managerial or strategic part of an organization that determines ends, and the operational part of an organization that performs tasks needed to achieve those ends'.⁵⁹ This division effectively makes international legal creativity impossible because, as Koskenniemi explains, the 'lawyer becomes a counsel for the functional power-holder':⁶⁰ just one sort of expert for hire among many.⁶¹ To the extent that the lawyer is able to exercise their discretion, it is at the level of micro-level tactics and not macro-level design. The internal life of the lawyer is totally irrelevant, on this view, to their performance. Indeed, competence is a matter of expelling internal vicissitudes like emotions, hopes or beliefs. The lawyer is a constant and the outside world that the manager seeks to control is endlessly variable. The managerial mind-set is therefore hopelessly reality-bound with its 'endless adjustment of special interests, balancing core values, adjustment to short- and mid-term prognoses, reactions to successive 'crises''.⁶²

Koskenniemi suggests that this 'managerial mind-set'⁶³ causes external problems in the real world, but he pays little attention to the harm it does to individual international lawyers or to the discipline. This seems remiss given his interest in writing the lives of international lawyers.⁶⁴ Koskenniemi is not blind to the internal realm. But for him, the big question is the *moral* health of international lawyers' minds. The other-regarding *oughts* of moral responsibility would, for Koskenniemi, be a way of ensuring that international lawyers did not serve purposes blindly or indiscriminately. While he allows that morality – as a constitutional vocabulary – can fuel political struggle as well as internal self-reflection,⁶⁵ morality *per se* is not enough to guarantee the *bona fides* of international law.⁶⁶

Morality, especially in the self-reflective Kantian form adopted by Koskenniemi, lies within each individual. Morals are affective as well as cognitive. The way we regard others depends on mood and feeling as much as it does on knowledge and contemplation. In order, then, to activate the moral responsibility that Koskenniemi advocates, we also need to think of ourselves as people and not

⁵⁹ Anne Orford, *International Authority and the Responsibility to Protect* (CUP 2011) 201

⁶⁰ Martti Koskenniemi, 'Miserable Comforters: International Relations as New Natural Law' (2009) 15 EJIR 395, 411

⁶¹ David Kennedy, *A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy* (Princeton University Press 2016), esp. 218-255

⁶² Martti Koskenniemi, 'Law's (Negative) aesthetic: Will it save us?' (2015) 41(1) *Philosophy and Social Criticism* 1039-1045, 1040

⁶³ Martti Koskenniemi, 'Constitutionalism as Mindset: Reflections on Kantian Themes About International Law and Globalization' (2007) 8(9) *Theoretical Inquiries in Law* 9-36, 13

⁶⁴ Susan Marks and Andrew Lang, 'People with projects: Writing the Lives of International Lawyers' 27 *Temp. Int'l & Comp. L.J.* (2013) 437-453, 438

⁶⁵ Koskenniemi (n 63) 34

⁶⁶ Citing Gillian Rose's *Love's Work* (NYRB Classics, 2011), Orford explains that 'The inward-looking focus of such versions of religiosity means that their adherents do not attend adequately to the work involved in realizing their ideals in the world', *Moral Internationalism and the Responsibility to Protect* (2013) 24(1) *EJIL* 83-108, 106

agents. This means bringing into play – or at least acknowledging – our internal worlds of fantasy and feeling. Moral self-reflection is not emotionally neutral. For instance, scholarship from the paranoid position,⁶⁷ flows from a ‘strong theory of negative affect’ which sacrifices affirmative action to the imperative of avoiding bad feeling.⁶⁸ Such a do-no-harm approach to international law, however, is like a doctor who does not treat a dying patient for fear of killing them. It is the sort of equation that makes sense in the abstract, but becomes nonsensical in the context of our lives.

Instead of the scrupulous hygiene of reason, the exercise of moral responsibility can be substantiated and inflected by our internal fantasising, and this can be shared through creativity and culture. Koskenniemi approaches this position insofar as he adopts the internal imagination ‘as a graceful counterpoint to managerialism’s instrumental reason and technicalisation’.⁶⁹ Here, imagination suggests the visionary; views hitherto unseen and panoramic, just the opposite of managerialism’s narrow-minded programme-planning. Imagination offers ‘an aesthetic’⁷⁰ to counteract dominant tendencies. Koskenniemi’s counter-vision takes the form of ‘a culture of formalism’⁷¹ and the ‘constitutional mind-set’⁷² in which the universal appears as a horizon of possibility, ‘unattainable but still necessary’.⁷³ This empty formalism is not only unreal, it is also ungraspable. The horizon of possibility necessarily lies beyond reach: a possibility that can be conceptually understood but never perceptually experienced.

There is something oxymoronic about an imperceptible aesthetic. Even John Cage’s *4’33”* and Malevich’s *Black Square* are experienced by their audiences. The horizon of possibility is not, by contrast, phenomenological. The horizon of possibility is a line, not a space. It inaugurates an empty formalism because it can accommodate neither perceiving subjects, nor objects of perception. It is an imaginative no-place; a conceptually impossible zone without spatial or temporal dimensions. The horizon of possibility affirms the idea of imagination, but disavows the practice. In doing so, it does not address Kant’s accusation – recalled by Koskenniemi – that lawyers lack imaginative reach.⁷⁴ This deprives the discipline of the destabilising and defamiliarising practice of imagining alternatives.

In chasing away political particulars from his ‘empty formalism’ in order to avoid imperialism,⁷⁵ Koskenniemi inaugurates another version of anonymous, lifeless lawyering. The unattainable horizon of universality is grey and bleak – thin gruel to sustain the discipline – because the people whose academic lives might *be* a culture of formalism are absent. Mind-sets and cultures must be lived – they require international lawyers to *do* and *think* differently and for this imagination is needed. Our imaginations cannot be taken for-granted, they must be fed – otherwise they cannot escape the

⁶⁷ See text from n 32 to n 43

⁶⁸ Sedgwick (n 20) 136-138

⁶⁹ Sahib Singh, ‘Koskenniemi’s Images of the International Lawyer’ (2016) 29 LJIL 699-726

⁷⁰ Koskenniemi (n 62) 1044

⁷¹ Koskenniemi, *The Gentle Civilizer of Nations* (CUP 2002) 500

⁷² ‘Irrespective of the functional needs or interests that laws may seek to advance, a Kantian view would focus on the practice of professional judgment in applying them. Less than an architectural project, constitutionalism would then be a programme of moral and political regeneration’, Koskenniemi (n 63) 18

⁷³ Koskenniemi (n 71) 507

⁷⁴ Koskenniemi (n 60) 414-415

⁷⁵ Koskenniemi (n 71) 504

disenchantment they are meant to redeem.⁷⁶ Creative and cultural experience can recuperate our imaginations and offers a way to animate the culture of formalism as a reparative practice of self-care.

2.2.3 Care for the self

International lawyers need 'a more nutritional form of emotional life for our work'.⁷⁷ Increasing numbers of us, as we haunt the neurotic position, are confronted by the unpalatable alternatives of paranoid critical theories or managerialism. In our either/or approach to external reality and internal fantasy, banishing metaphysics has also meant hollowing ourselves out so that we come to academia as empty shells.

The either/or approach leads to an impasse, but Koskeniemi's turn to life-writing could be a way of bridging the gap if we see it as offering the selves of academic international lawyers as places in which reality and fantasy co-mingle. Granted, this is not Koskeniemi's intention. As Marks and Lang suggest, in writing the lives of international law luminaries like Hersch Lauterpacht, Koskeniemi performs his critique of moral agency.⁷⁸ However, Koskeniemi's life-writing creates the academic international lawyer as a whole person with an internal life as well as external achievements. It brings into play the 'phenomenological lives' of international lawyers, their 'fear and ambition, fantasy and desire'.⁷⁹ Acknowledging that emotion is as much part of an international lawyers' imaginary as cognition is a corollary of writing lives rather than, for instance, intellectual histories or historical biographies. When we recognise that the lives of our disciplinary forebears mattered for international law then, we also recognise that our own lives matter for international law now. International lawyering is more than functional competence.

Emotion, however, is a difficult pill for international law to swallow; it is unprofessional, lacks intellectual rigour and looks lily-livered in the hard-boiled world of international affairs. In his examination of the sentimental life of international law, Simpson observes that 'we live in a period in which it is harder to unite literature, myth, theatre, law and political life than it was'.⁸⁰ In large part this is because we tend to take up a stubbornly neurotic position that prefers reality and tries to eliminate fantasy, but it is also because 'the limitations of present theoretical vocabularies' make positive, restorative disciplinary work sound 'sappy' or 'merely aesthetic'.⁸¹ The idea that international lawyers' emotions might have a place in the discipline is also, of course, viewed with great suspicion by those in a paranoid frame of mind. On this view, emotion is at best virtue-casting and at worst a cheap way of pimping a gimcrack argument.⁸² Simpson moves beyond this view, showing how good

⁷⁶ Mark Antaki, 'The Turn to Imagination in Legal Theory: The Re-Enchantment of the World?' (2012) 23(1) *Law and Critique* 1-20

⁷⁷ Simpson (n 49) 5

⁷⁸ Susan Marks and Andrew Lang, 'People with projects: Writing the Lives of International Lawyers' (2013) 27 *Temp. Int'l & Comp. L.J.* 437-453,

⁷⁹ Koskeniemi (n 71) 7

⁸⁰ Simpson (n 49) 7

⁸¹ Sedgwick (n 20) 150

⁸² Koskeniemi's discussion of kitsch is a good example of the latter. Martti Koskeniemi, 'International Law in Europe: Between Tradition and Renewal' (2005) 16(1) *EJIL* 113-124, 121-123

writing can engage the affective dimensions of global crises and human suffering without degenerating into 'lurid description'.⁸³

Sharing Winnicott's view of the importance of culture and creativity, Simpson sees literature as 'render[ing] our lives meaningful'.⁸⁴ It is an antidote to futility, but not antithetical to critique - it answers the question, 'why bother?'. And it does so not *despite* its lack of specific purpose, but *because of* its lack of external applicability. Away from the pressure of strategic victory, doctrinal and critical international lawyers alike are free to make things other than arguments: poems, photographs, objects.⁸⁵ This requires no artistic talent, just openness to the inner space of fantasy. We must allow it to weave through the real, shared space of disciplinary relations so that it can become a 'revelatory space',⁸⁶ and a space in which a beleaguered discipline that suffers constant defeat in the outside world can restore itself internally. In the next section, I show how the maturational process of an international lawyer determines their capacity for creative and cultural experience and how international law pedagogy might support this process.

3 Arriving 'at understanding creatively and with immense joy'.

In Winnicott's work, having creative and cultural experiences and becoming a person are complementary processes.⁸⁷ Creative and cultural experiences are therapeutic in that they give us an outlet for inner fantasies we might otherwise repress; by the same token, their absence suggests poor health insofar as our inner fantasies are driven underground and emerge in unwelcome ways. For Winnicott creative and cultural experience is also rooted in the social because it is about *sharing* morsels of our inner lives with others. The impetus to share can be nurtured or stifled according to the reactions of others and, by extension, those reactions (be they defensive, disgusted or delighted) depend on the way in which we go about sharing.

Objects play a doubly important role in the social aspect of cultural and creative experience. In one sense, material objects provide actual worldly artefacts onto which fantasies can be inscribed or depicted or props with which fantasy worlds can be enacted.⁸⁸ In a second sense, as the opposite of subjects, an object is anything that can be on the receiving end of a subject's active verb. Objects are others. This recalls Winnicott's psychoanalytic home, in the British school of Object Relations, a school that made psychoanalysis – with its reputation for navel-gazing – other-regarding.

Winnicott thought of transitional objects as opening up a third space that is neither the private inner world of a person nor the objective world of external reality. It is not reality-bound, but it is real. Winnicott thought about this as a sort of 'magic', dependent on the intimacy of a reliable relationship.⁸⁹ This intimacy gives rise to the conceptual transitional space, but also needs a bricks and mortar place to do its work. Winnicott talked about this place as a 'congenial milieu' in which people

⁸³ Simpson (n 49) 27

⁸⁴ *ibid* 17

⁸⁵ See, for example, Amanda Perry-Kessaris' Legal Treasure Tours <<https://www.kent.ac.uk/law/lit/>> accessed 6 November 2017 and the author's photographs in Luis Eslava, *Global Space, Local Life* (CUP 2015)

⁸⁶ Sedgwick (n 20) 148

⁸⁷ The quotation in the section heading is from Winnicott (n 5) 116

⁸⁸ Kendal Walton, *Mimesis as Make-Believe* (Harvard University Press 1993); see also Werner, this volume

⁸⁹ Winnicott (n 5) 64

reveal themselves to themselves.⁹⁰ In psychoanalysis, these environments include the analyst's room and the nursery. We find potential alternatives in academic workshops and in the classroom. In this part of the chapter, I look at how we might, by changing our pedagogical practices, make the classroom a more congenial milieu for the making of international lawyers.

3.1 'Steady presentation of the world'

Like babies who are cosseted from an unruly and unkind outside world because they do not yet understand themselves as inhabiting it, so students can have unrealistic ideas about their – and international law's – place in the world.⁹¹ To be sure, both baby and student must be disillusioned as they mature, but the process of coming to terms with the out-of-control world should be gentle and not traumatic if it is to avoid damaging the baby's/student's future object relating. Teachers can learn from parents here, employing methods of 'sensitive adaptation' to work towards disillusionment while not doing violence to the student's internal idea of international law. The teaching process, on this approach, does not aim to *replace* a student's faulty understanding with the unvarnished truth, but to enable the student a 'continuity of experience'. They should feel the (fantasy) international law with which they began the programme of study to be the same (real) international law with which they leave it – however unrecognisable it may be to outside eyes.

As we mature, we usually – particularly from the neurotic position – begin to see more and more of international law's imperfections and imbrication in the status quo; its colonial origins, its power politics, its institutional inadequacies. Winnicott's insight is that the transition from student, for whom international law is an idea, to academic, for whom international law is an object of knowledge, determines whether the student will have the capacity for creative and cultural experience, or whether they will bury their fantasising.

The temptation to approach international law teaching as a continuous revelation of the distance between the idea(l) and the real is difficult to resist. Education is, after all, just the place to demystify and defetishise international law. It can be tempting to equip students with a critical toolkit from day one. As Sedgwick observes, 'paranoia is nothing if not teachable'.⁹² The problem is that in its relentless and immediate presentation of the real world, education deprives the student of their (fantasy) object, creating the either/or approach that sets up the delusional and neurotic positions and generates the reactive posture of paranoid scholarship. We might avoid this by incubating the student's idea of international law in the early days of a programme of study. This early experience of reliability would mean international law could weather the storms of subsequent disappointments and that its failures would not be felt as existential threats to the emerging international lawyer. There would, then, be no need for the defensive negative future-casting of paranoia.

A great deal of international law teaching these days focuses on presenting the real world to students. Even when international law teaching adopts a classic problem-based method, disillusionment is not far away. It soon becomes apparent that international law arguments are not determined by internally

⁹⁰ Quoted in Phillips (n 4) 11

⁹¹ The quotation in the sub-section heading is from Winnicott (n 13) 87

⁹² Sedgwick (n 20) 136

consistent grammar, but by extraneous political factors.⁹³ History disrupts the ideal of universalism by presenting international law's colonial past and undoes the benign image of international institutions by revealing their compromised origins; sociological and anthropological approaches focus on digging down beneath the surface of inter-state relations to reveal the unseen effects of international law in everyday lives.

3.1.1 Transitional Space

Instead of these shock-tactics, a gentler disillusionment could be achieved using transitional objects. This would open up a transitional space in the discipline that could then be used for play and, later, to have creative and cultural experiences. These spaces involve a particular way of relating to others and depend for their existence on the attitudes of the individuals involved. The other makes it possible for the self to share a sample of their internal reality by tolerating its unreality; at the same time, the self does not make a claim to reality for its fantasy. In this way, the creative and cultural space hosts a real event - the sharing of one's internal realm *as such* with the other, without making an exclusionary claim that one's fantasy is real. One can afford to generously tolerate a creative offer of fantasy without needing to challenge its reality. In this way, creative imagination does not pave the road to totalitarian order because it does not try and impose itself on reality. Instead, Koskeniemi's ever-distant 'horizon of universality' can be particularised in the social world *as fantasy* and, in that conceptual sandbox, the universal can take on substance and form.

If we think that international law is what international lawyers do and think and if we agree that part of this activity should be creative and cultural, then the classroom can be used as a congenial milieu to practise weaving fantasy into reality. Using pedagogical environments to enrich the lives of students, rather than teaching them to replace their instincts and emotions with scientific distance and technical competence may help to forestall the problem of the anonymous international lawyer.

Although a transitional object of international law would provide students with a reliable object of study to start with, these objects are not immune from the problematising work of empirical and critical methods over time. The idea is to make international law reliable, not bulletproof. The transitional object is not purely fantastical and the inter-social and temporal transitions it enables – becoming a self among others, maturing – cannot occur unless disillusionment takes place. Effective transitional objects are not impervious to gently disillusioning 'minor failures' and should not become fetish objects, but are decathected over time.⁹⁴

Material objects would not be prone to stubborn, and potentially delusional, holding because they do not exist on a distant horizon like abstract principles, but can be brought into the places we inhabit – sometimes literally, as was the case with the Barcelona Traction Company share certificate that Filippo Fontanelli brought to the London workshop where objects in this volume were initially discussed. International law syllabuses already contain many objects that bridge the gap between abstract concept and concrete phenomenon and the present volume gives more inspiration in this regard.

⁹³ Martti Koskeniemi, 'The Politics of International Law – 20 Years Later' (2009) 20(1) EJIL 7-19, 9-12

⁹⁴ Winnicott (n 5) 117-118

When we study international organisations, for instance, we might take more account of their material form – their place, architecture and furnishing. Nicole De Silva’s chapter on the African Court on Human and Peoples’ Rights is exemplary in this respect.⁹⁵ More abstract concepts, too, have concrete manifestations. The border-check point presented by Francois Finck is a conceptual frontier as much as a concrete barrier.⁹⁶ Kimberly Trapp’s synecdochic use of boots on the ground for military intervention is another example of this.⁹⁷ These objects are man-made and though they may be used to stand for an idea, they differ from conceptual objects because we experience their contingency. More importantly still, material objects are perceptually separate from us which means that we can call them into question free from the concern that in doing so we are also calling into question our own identities as international lawyers.

We now turn to look at how the congenial milieu of the classroom can host the transitional activity of playing, the precursor to creative and cultural experience.

3.2 ‘A sample of dream potential’.

Playing⁹⁸ is not just a way of staving off ‘the problem of dryness and boredom’,⁹⁹ it is a precursor to creativity.¹⁰⁰ It flows on from the transitional object because it takes place in an area that is ‘outside the individual but it is not the external world’.¹⁰¹ Material objects anchor playing in the world and make it possible to play with others. Creative playing is not merely pretence, it enables players to enact the magical control over the world that they lack in real life.¹⁰² The classroom could provide students with such the transitional space necessary for playing.¹⁰³

We tend not to give our international law students opportunities for *creative* play, though they have ample opportunity for game-playing. For Winnicott, however, game-playing is not a precursor to creativity because it is constrained by rules and reality, so that the child can only react and never control proceedings.¹⁰⁴ Creative playing involves ‘open-ended games in which play is not circumscribed by agreed upon rules’.¹⁰⁵ In international law, playing tends to be restricted to role-playing and language-games. Neither of these, particularly the latter, is creative in the Winnicottian sense. They are not activities in which students share a piece of their internal fantasising about international law – instead, students rehearse a familiar script. In addition, games oriented to

⁹⁵ De Silva, this volume.

⁹⁶ Finck, this volume.

⁹⁷ Trapp, this volume.

⁹⁸ For the quotation in the sub-section heading, see note 15.

⁹⁹ Simpson (n 49) 20

¹⁰⁰ ‘For me, playing leads on naturally to cultural experience and indeed forms its foundation’, Winnicott (n 5) 143

¹⁰¹ Winnicott (n 5) 69

¹⁰² See text from n 6 to n 16

¹⁰³ Maks Del Mar, ‘Learning How to Read a Case: Resources from the Visual and Dramatic Art’ in Bart van Klink (ed.), *Academic Learning in Law: Theoretical Positions, Teaching Experiments and Learning Experiences* (Edward Elgar 2016) 244-266

¹⁰⁴ Winnicott (n 5) 87

¹⁰⁵ Phillips (n 4) 15

winning¹⁰⁶ – like mooting and debating - incubate an attitude that imposes upon others, rather than sharing an experience with them. This does not accord with Winnicott's idea of creative play – 'for Winnicott the opposite of play is not work but coercion'.¹⁰⁷ It is an intimate activity that requires high levels of trust because it may induce anxiety as well as pleasure.¹⁰⁸ Play is 'precarious' – a spell that can be easily broken.¹⁰⁹

A second problem with game-playing is that 'playing has to be spontaneous not compliant or acquiescent'.¹¹⁰ Game-playing lacks the 'first-time-ever quality'¹¹¹ of creative playing, so students can feel like they are just going through the motions and not discovering things for themselves. The self is apt to get lost in the performativity of gaming,¹¹² in a way that presages the managerial mode of lawyer-as-functionary.¹¹³ Rule-bound games appear predictable and repeatable so that their players are almost never doing something for the first time. This experience can confirm the paranoid conclusion that tomorrow cannot be better than today.¹¹⁴

Playing might be better facilitated by material objects than by text.¹¹⁵ At present, we are a discipline drowning in texts and while these are great fodder for language games, they are less well-fitted for creative playing. Material objects offer even more scope for a perceptual point of contact between fantasy and reality because they open up more aspects of shared fantasising while being firmly anchored in reality. A good example of this is James Parker's contribution on the gavel which explores sound in international law, urging us to slow down and let the non-obvious occupy our senses.¹¹⁶ The relevance of the piece is not that it reveals some hitherto unappreciated function or effect of the gavel, but that it makes us aware of the legal imaginaries that usually lie buried inside us. As Winnicott put it, 'in playing, the child manipulates external phenomena in the service of the dream'¹¹⁷ Think of how a sofa can become a pirate skiff or a twig can become a pistol in children's games.

The ability to imagine that things are other-than-they-are is under threat in international law. It is tempting to think of this in purposive terms, as giving students the skills of future-casting and reform, designing teaching activities around skills that are essentially reality-compliant and leave little room for creativity. For the same reason, it would be counter-productive to be too directive in suggesting the ways students might play with material objects. That said, it strikes me that some of the objects

¹⁰⁶ Maks Del Mar suggests that game playing is more than just rule-following. Discussing the way style comes into chess playing, he says 'Maybe there is a whole community of us who come to develop the happy habit of jiggling pieces in the air in the process of moving them', 'Must We Play to Win: A Reply to Morgan' in (2015) 45(2) *Philosophy of the Social Sciences* 266-272, 271

¹⁰⁷ Phillips (n 4) 142

¹⁰⁸ Winnicott (n 5) 70

¹⁰⁹ *ibid* 64

¹¹⁰ *ibid* 68

¹¹¹ *ibid* 136

¹¹² Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge 1990); Judith Butler, *Bodies that Matter: On the Discursive Limits of "Sex"* (Routledge 1993)

¹¹³ See text from n 57 to n 76

¹¹⁴ See text to n 50

¹¹⁵ Walton suggests that objects like works of art can 'serve as a prop in fables of make-believe', amongst other things, Walton (n 88) 92.

¹¹⁶ Parker, this volume

¹¹⁷ Winnicott (n 5) 69

in this collection might lend themselves particularly well to this sort of play. To give just one example, Geoff Gordon's railway clock brings into play difficult international law concepts like universality and standardisation.¹¹⁸ Other objects in the collection push us off-balance in a playful way because they present familiar objects at a slight angle, making them appear very different. Tanja Aalberts' sovereign mark¹¹⁹ and Ruth Buchanan and Jeffery Hewitt's treaty canoe¹²⁰ both have this effect on the treaty. We might, in this sense, think of playing as defamiliarising as well as familiarising.¹²¹

4 'The world's riches' – concluding comments

I end with some observations about how Winnicott's insights about the maturational process and the way objects enable creative and cultural experience would take shape in academic international law.¹²² For Winnicott, culture and creativity enrich our lives and stave off the impoverished 'merely sane' futility of neurosis and the magical thinking of delusion. Winnicott said that '[s]hould an adult make claims on us for the acceptance of the objectivity of his subjective phenomena we discern ... madness' but that 'if...the adult can manage to enjoy the personal intermediate area without making claims, then we can acknowledge our own corresponding intermediate areas, and are pleased to find a degree of overlapping...experience'.¹²³

We gain the capacity to have such experiences when our developmental process builds a bridge between the internal world of fantasy and the external world of reality. Material objects, though they are phenomenal, can play a reparative role once we have learned to 'extract[] sustenance from the objects of a culture'.¹²⁴ Such objects enrich not because of their material value but because they bring academic international lawyers together in a common endeavour that is worthwhile even if it does not change the world. The purpose of this work is inward-looking. It is an act of self-care to enrich the discipline by enabling international lawyers to arrive with their internal idiosyncrasies intact so that the samples of dream potential they share lead to a kaleidoscope of possibility rather than the low, grey horizons of technocracy and suspicion.

When academics come together in conferences, workshops or seminars, a great deal of rich cultural life is often passed over in silence or kept for the coffee break. But such spaces can only be transitional – appropriate sites for creative and cultural experiences – where they offer tolerant and congenial *milieu* in which academics can bring their inner fantasies into the room along with their rigorous knowledge and know-how. In other words, the conference should be part of academic life and not just a stage on which the academic performs the function of knowledge dissemination.¹²⁵ These events

¹¹⁸ Gordon, this volume.

¹¹⁹ Aalberts, this volume.

¹²⁰ Buchanan and Hewitt, this volume.

¹²¹ Maks Del Mar, 'Marmor's Social Conventions: The Limits of Practical Reason' (2011) 41(3) *Philosophy of the Social Sciences* 420-445

¹²² The quotation in the section heading is from Donald W. Winnicott, 'Primitive Emotional Development' in Lesley Caldwell and Helen Taylor-Robinson (eds), *The Collected Works of Donald Winnicott, Vol 2 1939-1945* (OUP 2017) 365

¹²³ Winnicott (n 5) 18

¹²⁴ Sedgwick (n 20) 150-151

¹²⁵ See comments by David Kennedy, "Autumn Weekends: An Essay on Law and Everyday Life," in Austin Sarat and Thomas R. Kearns (eds) *Law and Everyday Life* (University of Michigan Press, 1993), 235 and Maria

bring noises-off conversations – the sort that often seem tangential when greater purposes are at stake - into the limelight.

The *International Law's Objects* workshop where many of the chapters in this volume were first presented was a congenial milieu for 'shar[ing] respect for *illusory experience*, and ... form[ing] a group on the basis of our illusory experiences'.¹²⁶ Far from being an empty, inconclusive experience, the workshop was emotionally restorative and fulfilling. The event provided an opportunity to do international law thinking for its own sake; to explore ideas and look at our object of study from unfamiliar angles and in peculiar material forms. Perhaps this was merely that the unusual prospect of talking about objects meant that we arrived without preconceptions about what we would take from the experience. Likewise, this volume calls on readers to take Winnicott's advice; 'I absolutely believe in objectivity and in looking at things straight and doing things about them; but not in making it boring by forgetting the fantasy'.¹²⁷

Aristodemou, 'A Constant Craving for Fresh Brains and a Taste for Decaffeinated Neighbours' (2014) 25(1) EJIL 35-58, 39

¹²⁶ Winnicott (n 5) 4

¹²⁷ Quoted in Phillips (n 4) 33